

REMARKS

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

Claims 4, 6, and 13 are requested to be cancelled without prejudice.

Claims 1, 5, 7, 9, 10, 14, 56, 57, and 58 are currently being amended.

This amendment adds, changes and/or deletes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

After amending the claims as set forth above, claims 1-3, 5, 7-12, and 14-67 are now pending in this application.

Rejection under 35 U.S.C. § 101

In Section 3 of the Office Action, Claims 1-55 and 58-67 are rejected under 35 U.S.C. § 101 "because the claimed invention is not supported by either a specific and substantial asserted utility or a well established utility." Applicant respectfully traverses the rejection. The Examiner argues that the claimed invention is not a specific tangible machine or process for facilitating a business transaction. The claimed invention, however, is a process for facilitating business transactions. The Examiner references MPEP Section iV 2(b). However, Applicant has been unable to locate such a section.

According to MPEP 2017,

Any rejection based on lack of utility should include a detailed explanation why the claimed invention has no specific and substantial credible utility. Whenever possible, the examiner should provide documentary evidence regardless of publication date (e.g., scientific or technical journals, excerpts from treatises or books, or U.S. or foreign patents) to support the factual basis for the *prima facie* showing of no specific and substantial credible utility. If documentary evidence is not available, the examiner should specifically explain the scientific basis for his or her factual conclusions.

The Examiner fails to provide any explanation for rejection based on lack of utility.

Claim 1 as amended recites a method comprising:

receiving a referral from a referring party, the referral including information regarding any one of a financing-seeking party that has been declined by the referring party, a transaction management-seeking party, a trade credit-seeking party, and a credit guarantee-seeking party;

storing the information regarding the referral in a storage device;

determining whether the referral satisfies system-based parameters;

if the referral satisfies system-based parameters, determining whether the system already has sufficient information to engage the referral;

if the system has sufficient information, engaging the referral; and

if the referral becomes engaged, establishing an account for the referral within a marketplace in the transaction management and financial services system.

Claim 1 discloses a process for facilitating a financial services business transaction and results in “establishing an account for the referral within a marketplace in the transaction management and financial services system.” Thus, a useful, concrete, tangible result is provided by Claim 1. Claims 2, 3, 5, 7-12, 14-55, and 58-67 depend from Claim 1. As a result, Applicant respectfully requests withdrawal of the rejection of Claims 1-55 and 58-67 as amended.

Rejection under 35 U.S.C. § 102

In Section 6 of the Office Action, Claims 1-67 are rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Application No. 2001/0049646 (Wilkinson). Applicant respectfully traverses the rejection. Applicant also reserves the right to swear behind Wilkinson. Wilkinson does not disclose, teach, or suggest the claimed invention as recited in Claims 1-3, 5, 7-12, and 14-67.

Claims 1-3, 5, 7-12, 14-55, and 58-67

Claims 2, 3, 5, 7-12, 14-55, and 58-67 depend from Claim 1. Claim 1, as amended, recites:

if the referral becomes engaged, establishing an account for the referral within a marketplace in the transaction management and financial services system.

With respect to Claim 1 and on pages 3-4 of the Office Action, the Examiner states that Wilkinson teaches all of the limitations of Claim 1. Applicant respectfully disagrees. There is no disclosure, suggestion, or teaching in Wilkinson of “establishing an account for the referral within a marketplace in the transaction management and financial services system.”

Applicant on page 13, lines 21-30 states:

FIGURE 3 illustrates an exemplary embodiment of marketplace 201 that is configured to interact with buying communities 211 and 221 and financial institution 231. Buying communities 211 and 221 consist of at least one buyer and at least one seller.” On page 14, lines 6-8, Applicant states that “in an exemplary embodiment, marketplace 201 can be implemented as a plurality of customized web pages in which participants interact with other participants in marketplace 201.

Wilkinson discloses a “pool,” but the pool describes a set of either suppliers or demanders that can be searched. In reference to the pool, Wilkinson states:

The method comprises being a first supplier to refer the first demander to a service provider ... who collects data from the first

demander and enters it into a database and makes that data available to one or more other suppliers in a pool"

(see page 1, paragraph [0009], Emphasis added).

In addition to creating a pool of suppliers that can be searched, the method also creates a pool of other demanders who can be searched.

(see page 5, paragraph [0049], Emphasis added).

The invention also creates a pool of other suppliers that the supplier can search for potential partners.

(see page 6, paragraph [0051], Emphasis added).

There is absolutely no disclosure, suggestion, or teaching in Wilkinson of "establishing an account for the referral within a marketplace in the transaction management and financial services system." (Emphasis added). An anticipation rejection cannot properly be maintained where the reference used in the rejection does not disclose all of the recited claim elements. As a result, Applicant respectfully requests withdrawal of the rejection of Claims 1-3, 5, 7-12, 14-55, and 58-67.

Claim 56

Claim 56, as amended, recites:

if the referral becomes engaged, means for establishing an account for the referral within a marketplace in the transaction management and financial services system.

As explained with respect to Claim 1 above, Wilkinson does not disclose, suggest, or teach the "means for establishing an account for the referral within a marketplace in the transaction management and financial services system." Wilkinson discloses a "a pool of suppliers that can be searched" and "a pool of other demanders who can be searched."

Claim 57

Claim 57, as amended, recites:

first computer readable program code configured to:

if the referral becomes engaged, establish an account for the referral within a marketplace in the transaction management and financial services system;

As explained with respect to Claim 1 above, Wilkinson does not disclose, suggest, or teach the “first computer readable program code configured to, if the referral becomes engaged, establish an account for the referral within a marketplace in the transaction management and financial services system.” Wilkinson discloses a “a pool of suppliers that can be searched” and “a pool of other demanders who can be searched.”

Anticipation of a claim by a prior art reference requires that the reference disclose each and every limitation in the claim. Wilkinson does not teach the marketplace recited by Applicant’s claims. Accordingly, the rejection under 35 U.S.C. §102(e) of claims 1-67 based on Wilkinson cannot be properly maintained. Applicants respectfully request the withdrawal of the rejection.

Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested. The amendments to Claim 1, 56, and 57 do not require an additional search by the Examiner because the limitations were previously included in Claims 4, 6, and 13. Similarly, the amendments to Claim 1, 56, and 57 do not raise issues of new matter, increase the number of claims, or otherwise involve new issues.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

Applicant believes no fee is due for this submission, however, the Commissioner is hereby authorized to charge any fees due in connection with this submission to Deposit Account No. 50-2350. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 50-2350. Duplicate copies of page 1 and the signature page of this Reply are enclosed for such purposes.

Respectfully submitted,

By



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